

*REMARKS*

The following remarks are believed responsive to the points raised by the Office Action dated June 3, 2003. In view of the following remarks, reconsideration is respectfully requested.

The specification has been amended to correct minor obvious typographical errors. No new matter has been added and no new issues can be raised by this Amendment.

Claims 1 and 3-7 were rejected under 35 U.S.C. §102(b) as anticipated by EP 0496567 A2 to Heiman. Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Heiman in view of U.S. Patent No. 6,436,081 to Wada et al. Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over Heiman. These rejections are respectfully traversed.

Claim 1 is directed to a composite textile fabric including, inter alia, an inner exposed surface (i.e., the surface normally in contact with the body of the user (see e.g., page 5, lines 2-3)) of hydrophobic and hydrophilic material that is predominantly the hydrophobic material, and an outer surface of hydrophobic and hydrophilic material that is predominantly the hydrophilic material. Thus, in the presently claimed invention, the surface in contact with the user's body includes both hydrophobic and hydrophilic material, but is predominantly hydrophobic, and the surface remote from the body of the user includes both hydrophilic and hydrophobic material, but is predominantly hydrophilic material.

In contrast, Heiman teaches hygienic products and fabrics comprising a top portion including an upper surface (the surface in contact with the body) of *only* hydrophobic material and a bottom portion including a lower surface (the surface remote from the body) of *only* hydrophilic material, and a central portion where the hydrophobic material from the top portion and the hydrophilic material from the bottom portion are intermeshed (see e.g., page 2, lines 53-56, page 5, lines 16-23 and Figure 8 of Heiman). For example, at page 5, lines 32-37, Heiman explains,

“the top portion is a piling comprising a plurality of loops formed by top yarns projecting upwardly from the central ground portion, with the outer ends of the loops defining the top surface of the fabric. The bottom portion is a piling comprising a plurality of loops formed by bottom yarns projecting downwardly from the central ground portion, with the outer ends

of the loops defining the bottom surface of the fabric. The central portion comprising the inner ends of the top and bottom yarns . . . .”

And at page 5, lines 47-50, Heiman further explains, “[T]he top portion may be comprised of loops formed by hydrophobic yarn”, “[T]he bottom portion may be comprised of uncut loops formed of a hydrophilic yarns”, and at page 11, lines 17 and 21, “[T]he yarns 50 forming the top loops are hydrophobic . . .” and “[T]he yarns 52, forming the bottom loops are hydrophilic . . .”.

Clearly, the top portion 26 in Heiman (which is in contact with the users body) consists only of hydrophobic material and the bottom portion 28 (which is remote from the users body) consists only of hydrophilic material. Additionally, Heiman expressly acknowledges the absence of any hydrophilic material in the top portion, stating at page 11, lines 48-49, “[T]his is due to the absence of any absorbent fibers in the top portion” (defining “hydrophilic” as including “absorb”, “absorbent”, and “absorption” at page 3, lines 11-12).

A reference anticipates a claimed invention only if it discloses each and every element of the claimed invention. Heiman fails to disclose each and every element of independent claim 1 and therefore fails to anticipate that claim. For example, Heiman fails to disclose a single fabric layer having an inner exposed surface of hydrophobic and hydrophilic materials that is predominantly the hydrophobic material, and an outer surface of hydrophobic and hydrophilic materials that is predominantly the hydrophilic material. The top surface (the surface in contact with the body) of Heiman comprises *only* hydrophobic material and the bottom surface (the surface remote from the body) comprises *only* hydrophilic material.

According to the Office Action, since hydrophobic loops 46 and hydrophobic loops 48 are intermeshed in the central portion 27 and the central portion 27 is an area where loops 46 and 48 interface, each side of the fabric has both loops 46 and 48 whereby one loop material 46 or 48 predominates. Applicants respectfully disagree and point out that the central portion 27 is the *only* area of Heiman’s fabric including *both* hydrophobic and hydrophilic materials. That central portion 27 does not comprise an inner exposed surface (the surface in contact with the users body) or an outer surface. Heiman refers to this portion 27 as the “central” portion because it is in the center of the fabric, not at any exposed surface, as Figures 7, 8, and 10 clearly illustrate. The central portion 27 does not comprise an inner exposed surface or a bottom surface and, therefore, the claim 1 cannot be anticipated.

In re Appln. of XU et al.  
Application No. 09/759,241

For the foregoing reasons, none of claims 1 and 3-7 can be anticipated by Heiman. Because the rejection of claim 2 is predicated on the anticipation of claim 1 by Heiman, an asserting that cannot properly be maintained, claim 2 cannot be obvious.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



---

Shannon Schemel, Reg. No. 47,926  
LEYDIG, VOIT & MAYER  
700 Thirteenth Street, N.W., Suite 300  
Washington, DC 20005-3960  
(202) 737-6770 (telephone)  
(202) 737-6776 (facsimile)

Date: September 3, 2003  
SDS:ves